

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANESHA MILES

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

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CIVIL ACTION NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

I. PRELIMINARY STATEMENT

1. This is a claim against the Defendant, United States of America, for infliction of emotional distress upon Plaintiff, Anesha Miles, by the negligent acts and/or omissions of the Defendant and its agents, servants, employees, workmen and/or representatives.

II. PARTIES

2. Plaintiff, Anesha Miles, is an adult individual and citizen of the State of New Jersey, residing therein at 519 S. 6th Street, Camden, NJ 08103.

3. Defendant is the United States of America.

4. At all times relevant hereto, the Defendant acted by and through its trustees, directors, agents, servants, employees, workmen and/or other representatives, who were, in turn, acting within the course and scope of their employment, agency and/or service for the same and under the direct control of Defendant.

III. JURISDICTION AND VENUE

5. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1346 because the United States of America has been named as a Defendant.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1402 because the Plaintiff resides within the district and the acts and/or omissions which give rise to Plaintiff's claims occurred within the district.

IV. STATEMENT OF CLAIMS

7. The instant matter involves the care and treatment provided to Plaintiff while a patient of Defendant's employee/agent, Dr. Eric Chang, D.O., as part of his practice at CAMcare Health Corporation, 817 Federal Street, Camden, NJ 08105, and at Cooper University Hospital, 1 Cooper Plaza, Camden, NJ 08103.

8. On or about March 17, 2014, Dr. Chang performed a dilation and curettage ("D&C") with ablation surgical procedure on Plaintiff Anesha Miles at Cooper University Hospital to treat long term uterine bleeding from anovulation.

9. The aforementioned surgical procedure would render Plaintiff sterile.

10. A pre-surgical pregnancy test revealed that Plaintiff was pregnant, but she was not informed of this fact.

11. Without this knowledge, Plaintiff consented to the procedure, and the surgical procedure was performed by Dr. Chang.

12. As a result of the procedure, the healthy intra-uterine pregnancy was terminated.

13. The aforementioned negligence of the Defendant, acting by and through its trustees, directors, agents, servants, employees, workmen and/or other representatives, who were, in turn, acting within the course and scope of their employment, agency and/or service for the same and under the direct control of Defendant, inflicted severe emotional distress upon the Plaintiff, Anesha Miles.

COUNT I

ANESHA MILES v. UNITED STATES OF AMERICA

NEGLIGENCE

14. Plaintiff incorporates by reference paragraphs 1 through 13 as though the same were fully set forth at length herein.

15. The negligence of the Defendant, United States of America, through its employees, agents, servants and/or ostensible agents, consisted of the following:

- a. Failure to properly and timely recognize Plaintiff's healthy intra-uterine pregnancy before performing the surgical procedure;
- b. Failure to timely inform Plaintiff of the aforesaid pregnancy before obtaining her consent and performing the surgical procedure;
- c. Failure to timely review and interpret all relevant test results before performing the surgical procedure.

16. As a direct and proximate result of the aforementioned conduct, Plaintiff, Anesha Miles, suffered severe mental anguish and emotional distress, all to her great detriment and loss.

WHEREFORE, Plaintiff, Anesha Miles, demands judgment in her favor and against Defendant, United States of America, in an amount in excess of \$150,000.00 together with costs of suit, interest and reasonable attorneys' fees, as well as any such other relief as the Court deems adequate, just and proper.

Respectfully,

SWARTZ CULLETON PC

By:



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Date: February 11, 2016